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Whole Foods Market, Inc.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN RETTA, KIRSTEN
SCHOFIELD, and JESSICA MANIRE,
on Behalf of All Others Similarly
Situated

Plaintiff(s),

v.

MILLENNIUM PRODUCTS, Inc. and
WHOLE FOODS MARKET, Inc.,

Defendants.

Case No. 2:15-CV-01801-PSG-AJW

**[PROPOSED] ORDER GRANTING
DEFENDANT WHOLE FOODS
MARKET, INC.'S MOTION TO
DISMISS PLAINTIFF'S FOURTH
AMDENDED COMPLAINT**

Date: June 6, 2016
Time: 1:30 pm
Location: Courtroom 880
255 East Temple Street
Los Angeles, CA 90012

Judge: Hon. Philip S. Gutierrez

1 On June 6, 2016, Defendant Whole Foods Market, Inc.'s Motion to Dismiss
2 Plaintiff's Fourth Amended Complaint, brought pursuant to Federal Rules of Civil
3 Procedure 12(b)(2) and 12(b)(6), came on regularly for hearing before the Court,
4 the Honorable Philip S. Gutierrez presiding. Having considered Defendant's
5 Motion and all other supporting and opposing arguments and papers, and good
6 cause appearing:

7 **IT IS HEREBY ORDERED** that Defendant Whole Foods Market, Inc.'s
8 Motion is GRANTED as follows:

- 9 1. Plaintiff's Fourth Amended Class Action Complaint is dismissed with
10 prejudice as it concerns Defendant Whole Foods Market, Inc. for the
11 following reasons:
- 12 a. The Court does not have personal jurisdiction over Defendant
 - 13 Whole Foods Market, Inc.; and
 - 14 b. Plaintiffs fail to sufficiently allege Defendant Whole Foods
 - 15 Market, Inc.'s involvement in and control over the alleged
 - 16 misconduct.

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18 **IT IS SO ORDERED.**

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20 Dated: _____

21 THE HONORABLE PHILIP S. GUTIERREZ
22 UNITED STATES DISTRICT JUDGE
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